IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.817 OF 2003
IN
SUMMARY SUIT NO.1926 OF 2003

Prashant C. Desai ....Plaintiff

V/s.

M/s.Ayushi International Corpn. ....Defendant

Mr.Jaydeep Raut i/b Little & Co. for the Plaintiff.

Mr.Rajendra Singh i/b S.M. Jain for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 8TH JUNE, 2005.

P.C. :

1. The suit is filed to recover the amounts based on a promissory note admittedly executed by the Defendant for consideration of the amounts also admittedly received by the Defendant from the Plaintiff. The defence taken in this matter are identical to the defence in Summons for Judgment No.814 of 2003. I have rejected this defence by my order passed today. For the same reasons, the defences raised in the present matter are also rejected.

2. In addition thereto, on behalf of the Defendant it is alleged that the Plaintiff's suit is barred under the Bombay Money Lender's Act. Reliance is placed on paragraph 6 of the affidavit in reply. There are no details or particulars to support the Defendant's contention. A mere grant of loan on interest in the said transaction does not constitute the act of money lending.

3. There is no defence to the suit.

4. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed as prayed.

. Refund as per rules.

. For the purpose of refund of the court fees, the Prothonotary and Senior Master to act on an authenticated copy of this order.